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# facsimile transmittal

To: Melanie Wells

Fax: 373-4812

From: Van Burbach

Date: 03/03/00

Re: Gate City Truck Repair

Pages: 5 (including this cover)

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Notes:

*ARA/Smith's*

Original to Follow via regular mail.

Post-it® Fax Note		7671	Date	3/6/00	# of pages	5
To	Cindy		From	MLW		
Co./Dept.			Co.			
Phone #	see pg 2		Phone #			
Fax #			Fax #			

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March 3, 2000

Ms. Melanie Wells  
Guilford County Environmental Health  
1100 East Wendover Avenue  
Greensboro, NC 27405

RE: Gate City Truck Repair  
6301 Burnt Poplar Road, Greensboro, NC  
NCDENR Groundwater Incident #: 10077

Dear Ms. Wells:

The attached letter summarizes the status of the Gate City Truck Repair site and the reasons we believe that the risk level should be changed to "Low Risk" and the site closed. It is my understanding that you and Cindy Rintoul at the NCDENR Regional Office in Winston Salem have reviewed this information as well as the information previously submitted and have ruled against the change in risk level due to the presence on one supply well currently in use within 1000 feet of the site.

We know of several analogous sites which have had risk levels changed to "Low Risk" after demonstrating that the supply wells within 1000 feet of the site were not at risk based on site-specific information. Groundwater plume migration modeling, potentiometric groundwater flow studies, and several years of groundwater analytical results have shown conclusively that the impacted groundwater at the Gate City Truck Repair site poses no real risk to the supply well in question. For this reason, we wish to appeal this decision.

We understand that this is a complex issue, particularly due to SB-1159 with regard to whether this site will need a deed restriction for closure. We realize that detailed guidelines for making these decisions are still unclear; therefore, we request that this decision be appealed to higher-level personnel at NCDENR. Please advise us of the proper channels for making such an appeal. As always, we appreciate your help in this process. Please call me at 335-3174 if you have any questions. Thank you.

Respectfully,

A handwritten signature in dark ink, appearing to read "G. Van Ness Burbach", written over a horizontal line.

G. Van Ness Burbach, Ph.D., PG  
Pyramid Environmental, Inc.

C: Martin C. Livingston, III, Trustee, Lindley Property Trust

Pyramid Environmental, Inc.  
RE: Gate City Truck Repair & SB-1159

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UST Trust Fund is counter-intuitive. We understand that there is likely to be an effort to get the bill amended to exclude the UST program; however, this will take time and for now we must work within the context of SB-1159.

A memorandum from Bill Meyer of NC-DENR-DWM dated January 19, 2000 outlines DENR's proposed guidelines for implementation of SB-1159. There are two exceptions listed in that memo which may apply to the Gate City Truck Repair site and may, therefore, allow closure of the site without the deed restrictions. These exceptions are listed below.

- *"Sites that submitted complete information prior to October 1, 1999 which would have resulted in a 'no further action' determination by DENR, will not be subject to deed recordation/restriction."*

In a letter dated August 19, 1999 to Cindy Rintoul of NC-DENR, we formally requested a change in the risk classification of the site which would allow closure. The letter summarized the status of the supply wells in the area and presented arguments why the site should be considered "Low Risk". This information was repeated in the last *Natural Attenuation Monitoring Report* for the site (dated September 2, 1999). It is our opinion that this information should have been sufficient to change the risk classification and therefore to close the site. A final decision on this was delayed, and then after SB-1159 became an issue, we were told that a decision would not be made before guidelines for its implementation were available.

- *"Recordation/restriction will not be required for groundwater contamination when local ordinances prohibit any use of well water and the drilling of wells."*

It was our understanding based on earlier conversations with individuals at the City of Greensboro Planning Department and/or Water and Sewer Department that any new construction of development in the area around the subject property will be required to connect to city water and that use of the groundwater would be restricted. Mrs. Atkins and others were allowed to keep their supply wells because they existed prior to the current zoning restrictions. In a recent conversation (on or about February 11, 2000) with Mr. David Morefield of the Greensboro Water and Sewer Department, Mr. Morefield confirmed that any new construction or development in the area would be required to connect to city water.

In a conversations with Mr. Ben Woody of the Greensboro Zoning Enforcement Office on February 15-16, 2000, Mr. Woody confirmed that the Gate City Truck Repair property and all the surrounding properties, including Mrs. Atkins' property are zoned "Heavy Industry". He said that Mrs. Atkins' residential use was grandfathered so that if the use of the property changes the Heavy Industry zoning will be enforced and the property will have to be connected to city water.

*Pyramid Environmental, Inc.*  
*RE: Gate City Truck Repair & SB-1159*

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It is the opinion of Pyramid Environmental that the risk classification for the Gate City Truck Repair site should be changed to "Low Risk" on the basis of information already submitted to NCDENR prior to October 1, 1999, and that the site should be closed without need of a deed restriction. The following facts support this position:

- 1) the only active supply well in the area is over 700 feet from the subject property and is not hydrodynamically down-gradient;
- 2) there is no evidence of the contaminant plume on the subject property migrating off site, so there is no tangible risk to the supply well;
- 3) the supply well is likely to be closed in the near future;
- 4) any new construction or development in the area will be required to connect to city water; and
- 5) continuation of natural attenuation monitoring or imposition of a deed restriction will cost the UST Trust Fund considerably more money than closing the site with no increase in real protection of human health or the environment.

I hope this information has been helpful. If you have any question or comments, please call us at 336-335-3174.

Respectfully,



G. Van Ness Burbach, Ph.D., PG.  
Pyramid Environmental, Inc.